

Tenants' Rights Frequently Asked Questions

01

What are some key things to look for when signing a lease? (i.e. what are the “warning signals” if something does not look right)

- a. Lease Sections Asking YOU THE TENANT TO WAIVE (GIVE UP) YOUR RIGHTS, including:
 - Waiving the LANDLORD’S RESPONSIBILITY for basic maintenance;
 - Waiving the LANDLORD’S LIABILITY for personal injuries that are caused by housing conditions for which the landlord is responsible
 - Waiving ENFORCEMENT of the Washington, D.C. Housing Code;
 - Waiving YOUR RIGHT AS A TENANT to a fair judicial process before being evicted;
 - Waiving YOUR RIGHT AS A TENANT to a jury trial if you have a legal dispute with your landlord;
 - Waiving YOUR RIGHT AS A TENANT to receive a Notice to Cure or Quit, except for non-payment of rent;
 - Waiving YOUR RIGHT AS A TENANT to void a lease due to the place that you are living not being fit to live in anymore (being “uninhabitable”);
 - Waiving YOUR RIGHTS AS A TENANT under the Tenant Opportunity to Purchase Act (TOPA)
- b. Blank Spaces
 - Instead, FILL IN “N/A” (“Not Applicable”) to prevent the addition of terms not agreed upon
- c. Missing Landlord Contact Information (phone number, street and e-mail addresses)
- d. Giving a landlord the RIGHT TO TERMINATE the lease for ANY cause
- e. Requiring the tenant to acknowledge the property is suitable to occupy before actual occupancy
 - You should not sign a lease saying the location you are moving to is suitable to live in until you actually move in and can verify this
- f. Lease Addendums (ADDITIONAL PAGES NOT INCLUDED IN THE LEASE), including “House Rules,” which can be fully incorporated into the lease and enforceable
- g. Complex Utility Payment Arrangements
- h. Excessively High Fees (including late fees based on a percentage of the rent)
- i. Providing you a “grace period” to pay rent a few days late WHEN ALSO allowing you to be evicted for “chronic late payment” when the rent is paid during the “grace period”. An example: “Rent is always due by the first of the month, with a “grace period” to pay rent between the second and the fourth of the month. If the tenant pays during the “grace period” more than two times, they can be evicted.”
- j. Authorization for someone other than the tenant to “confess” to a judgment against the tenant
- k. Burdensome limitations on subletting (subletting is when a tenant allows someone other than the tenant to stay on the premises and pay the rent)
- l. Assigning Attorney Fee Costs during legal disputes, even if courts determine differently

02

If there is a problem with the property (or the items and services that come with it) and the landlord has been ignoring requests to fix it, who should the tenant contact?

- a. If management does not respond to your requests for repairs, you should request a housing inspection by calling or writing the Housing Inspection Division of DCRA (DC Department of Consumer and Regulatory Affairs), 1100 Fourth Street, SW, Suite 4000, Washington, DC 20024. Their phone number is: (202) 442-9557.
- b. If this does not lead to a solution, please contact the Office of the Tenant Advocate, 2000 14th Street, NW, Suite 300-N, (202) 719-6560, for instructions regarding the Housing Conditions Calendar.

03

How much can the landlord increase rent and how often?

That depends on the rent control status of the accommodation.

- If the unit is subject to rent control, then the rent can only be raised once a year.
- For elderly and disabled tenants, the rent may only be raised by the percentage of the Consumer Price Index – Washington (CPI-W).
- For other tenants, the rent may be raised by the CPI-W + 2%.

If the unit is NOT subject to rent control, then the landlord can raise the rent as often as he/she likes (as long as he/she gives 30 days notice), and by as much as he/she likes.

- To find out the rent control status of your home, contact the Rental Accommodations Division (RAD) of the Department of Housing and Community Development. RAD is located at 1800 Martin Luther King Jr. Ave., SE, Washington, DC 20020. Their phone number is: (202) 442-9505.

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Can a landlord evict a tenant without a court order?

No! Landlord self-help is illegal. If your landlord tries to evict you without a court order and without the presence of the US Marshals Service, call the police immediately.

05

What are some available legal resources if a tenant needs to consult a lawyer?

The Office of the Tenant Advocate, 2000 14th Street, N.W., Suite 300-N, (202) 719-6560, has staff attorneys available to answer questions regarding tenant issues and a list of tenant resources available by calling the office or visiting: www.ota.dc.gov.

06

What resources are out there to help tenants find an apartment?

The Department of Housing and Community Development maintains a helpful list at <http://www.dchousingsearch.org/>.

07

Does the District offer any rental assistance?

The Emergency Rental Assistance Program (ERAP) helps low-income District residents who face housing emergencies. A housing emergency happens when immediate action is needed to avoid homelessness, to re-establish a home, or to prevent eviction from a home. A tenant can apply for ERAP at Housing Counseling Services, Catholic Charities, Salvation Army, or at the Community Partnership for the Prevention of Homelessness. For more information, please visit www.ota.dc.gov.

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Where can a tenant file a complaint if they felt discriminated against in housing?

If you feel that you may have been the victim of housing discrimination, you have the right to contact the Office of Human Rights to investigate the matter. The Office of Human Rights is located at 441 4th Street, NW, Suite 570-N, (202) 727-4559.

For more information, please contact the Office of the Tenant Advocate at www.ota.dc.gov



DC Mayor's Office on Asian & Pacific Islander Affairs